

# EXHIBIT 1



## Saint Gabriel Consolidated School

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May 28, 2010

To Whom It May Concern:

Brendan Berger was a student in my fifth grade classroom when he entered St. Gabriel Consolidated School at the beginning of the 1996-97 school year. Brendan had been homeschooled prior to his attending St. Gabriel Consolidated.

Brendan was a cooperative young man who exhibited difficulty in oral reading and reading comprehension. In addition, Brendan had trouble getting his thoughts on paper and his handwriting was difficult to read. Although Brendan's IQ placed him in the gifted range, standardized testing indicated a significant discrepancy in performance as compared to ability. It was my understanding at the time that Brendan's difficulties were related to a diagnosis of dyslexia.

Because St. Gabriel Consolidated is a parochial school and an IEP was not required for Brendan at the time, Brendan was informally accommodated in my classroom. Brendan received extended time for test taking and he was given the opportunity to orally explain written test question responses. In addition, Brendan took his tests in an adjoining room or in a quiet hall alcove. Brendan was also provided with extended time for classroom assignments.

In conclusion, if Brendan had not been provided with the opportunity for these above mentioned accommodations, a true measure of his grasp of concepts would not have been attained.

Sincerely,

Mary Lou Huth



Tonya Smith  
Notary Public, State of Ohio  
My Commission Expires 03-24-2015

# EXHIBIT 2



Archbishop  
**MOELLER**

March 28, 2007

University of Cincinnati  
Office of Student Disabilities  
RE: Accommodations for Brendan Berger

Dear Mr. Southern,

Brendan Berger, a graduate of Archbishop Moeller High School Class of 2004, has requested a letter documenting his need for audio books as part of his accommodations at the University of Cincinnati. Brendan's difficulties were assessed in 1994. The assessment found early delays in speech and subsequent reading development. Problems with processing speed, following oral directions and distractibility existed as well. As a result of the assessment, he received support in reading during early grade school and private reading intervention during the three years that he was home schooled. Once he entered the traditional educational system, accommodations such as books on tape, a parental reader/scribe allowed Brendan to keep pace with homework. He successfully utilized these accommodations to improve his reading literacy and academic performance.

Upon entering Moeller High School Brendan continued to use audio books that he acquired on his own and to apply acquired strategies to deal with his disability without direct support from the Moeller Support Team. However, during his junior year at Moeller, Brendan experienced difficulty with timed tests, especially those with extended reading and writing requirements. Given his past history a referral was made to determine his current level of functioning. Results from Brendan's psychoeducational evaluation with Dr. Alexander Smith in January, 2003 indicated significant deficits in processing speed, working memory and perceptual organization which negatively affected his reading speed and writing skills during timed tasks despite his superior verbal and conceptual abilities.

Given the results of the evaluation, a Moeller Assistance Plan was developed to provide accommodations to address Brendan's needs. Brendan was provided with extended time for assessments in a separate area, permitted to purchase his own copies of texts and to utilize audio tapes of novels. He also met with me to further develop independent reading and writing strategies.

Brendan's request for audio books is valid and necessary given his documented disabilities. Brendan has used audio books throughout his educational years. Given the various forms and limited availability of some college level reading material he is not always able to independently access required reading material in audio form.

Please feel free to contact me if you need further information to support Brendan's request for audio books as part of his accommodation plan at UC.

Jane E. Kagy  
Case Manager for Students with Disabilities  
Archbishop Moeller High School  
(513) 791-1680 x1220  
JKagy@moeller.org

# EXHIBIT 3



Your Scores

Verbal

55

Math

58

Writing Skills

55

Ranges

20

51

59

80

20

54

62

80

20

51

59

80

Percentiles

You scored higher than **72%** of juniors.

50%

100%

You scored higher than **77%** of juniors.

50%

100%

You scored higher than **73%** of juniors.

50%

100%

What SAT Ranges Can You Expect?

SAT I Verbal

200

510

610

800

SAT I Math

200

540

640

800

SAT II: Writing Test

200

510

640

800

Note that an SAT II: Writing score is also based on an essay.

Review Your Answers

Ask for your test book back so you can see the questions.

Key

✓ Correct

o Omitted

u Unscorable

e Easy

m Medium

h Hard

Alg Algebra

Arth Arithmetic

Geo Geometry

SECTION 1

Sentence Completions

1 E ✓ e

2 D ✓ e

3 B ✓ m

4 C D h

5 D ✓ h

6 C ✓ e

7 A ✓ e

8 C ✓ e

9 C ✓ m

10 B ✓ h

11 D ✓ h

12 E ✓ e

13 C ✓ m

14 E ✓ m

15 A ✓ h

16 C ✓ m

17 B C h

18 D ✓ m

19 D ✓ m

20 D ✓ m

21 E ✓ e

22 D o h

23 D ✓ e

24 E o h

25 C o e

26 C ✓ e

27 D ✓ e

28 E ✓ e

29 C ✓ e

30 B ✓ m

31 C ✓ h

32 A E h

33 B A h

34 E ✓ e

35 E ✓ m

36 E ✓ m

37 D ✓ m

38 B o h

39 B o h

40 E B h

41 C B m

42 A ✓ e

43 D ✓ m

44 A B m

45 E ✓ m

46 B D m

47 C o m

48 B o m

49 C o m

50 A o h

51 D o m

52 E o m

SECTION 2

Standard Multiple-Choice

1 E ✓ e Arth

2 D ✓ e Alg

3 D ✓ e Arth

4 B ✓ e Alg

5 B ✓ e Geo

6 A ✓ m Alg

7 B ✓ e Geo

8 C ✓ m Arth

9 C o m Alg

10 D ✓ m Alg

11 A ✓ m Geo

12 A ✓ m Alg

13 E ✓ m Geo

14 C ✓ m Arth

15 B o h Geo

16 E o h Alg

17 A o m Geo

18 A o h Alg

19 D o h Geo

20 C o h Arth

21 A ✓ e Arth

22 C ✓ e Geo

23 D ✓ e Alg

24 B ✓ e Arth

25 A C m Arth

26 B C m Arth

27 C ✓ m Alg

28 D C m Geo

29 C ✓ h Alg

30 A D h Geo

31 D ✓ h Alg

32 A ✓ h Arth

33 1/3 or .333 ✓ m Alg

34 116 ✓ m Geo

35 4 o m Arth

36 4/5 or .8 ✓ m Arth

37 1 or 9 2 h Arth

38 60 ✓ m Arth

39 6 ✓ h Geo

40 13 7 h Arth

SECTION 3

Sentence Completions

26 C ✓ e

27 D ✓ e

28 E ✓ e

29 C ✓ e

30 B ✓ m

31 C ✓ h

32 A E h

33 B A h

34 E ✓ e

35 E ✓ m

36 E ✓ m

37 D ✓ m

38 B o h

39 B o h

40 E B h

41 C B m

42 A ✓ e

43 D ✓ m

44 A B m

45 E ✓ m

46 B D m

47 C o m

48 B o m

49 C o m

50 A o h

51 D o m

52 E o m

SECTION 4

Quantitative Comparisons

21 A ✓ e Arth

22 C ✓ e Geo

23 D ✓ e Alg

24 B ✓ e Arth

25 A C m Arth

26 B C m Arth

27 C ✓ m Alg

28 D C m Geo

29 C ✓ h Alg

30 A D h Geo

31 D ✓ h Alg

32 A ✓ h Arth

33 1/3 or .333 ✓ m Alg

34 116 ✓ m Geo

35 4 o m Arth

36 4/5 or .8 ✓ m Arth

37 1 or 9 2 h Arth

38 60 ✓ m Arth

39 6 ✓ h Geo

40 13 7 h Arth

SECTION 5

Identifying Sentence Errors

1 C ✓ e

2 B ✓ e

3 A E m

4 B ✓ e

5 B ✓ m

6 C ✓ m

7 C E h

8 D E m

9 C ✓ m

10 E ✓ m

11 B ✓ m

12 D ✓ h

13 C E m

14 C ✓ h

15 B ✓ h

16 C E h

17 D B h

18 E ✓ m

19 B E h

20 B ✓ e

21 D ✓ e

22 C ✓ m

23 D ✓ e

24 C ✓ m

25 D C m

26 A C m

27 D ✓ m

28 B E m

29 B ✓ m

30 D C m

31 C ✓ m

32 B A m

33 D E h

34 B ✓ e

35 B ✓ e

36 A o e

37 E o m

38 C o m

39 A o m

SECTION 6

Improving Sentences

20 B ✓ e

21 D ✓ e

22 C ✓ m

23 D ✓ e

24 C ✓ m

25 D C m

26 A C m

27 D ✓ m

28 B E m

29 B ✓ m

30 D C m

31 C ✓ m

32 B A m

33 D E h

34 B ✓ e

35 B ✓ e

36 A o e

37 E o m

38 C o m

39 A o m

SECTION 7

Improving Paragraphs

34 B ✓ e

35 B ✓ e

36 A o e

37 E o m

38 C o m

39 A o m

Scoring

Correct answer = PLUS 1 POINT.

Omitted answers = NO POINTS.

Wrong answers to questions with 4 choices = MINUS 1/3 POINT.

Wrong answers to questions with 5 choices = MINUS 1/4 POINT.

Wrong answers to math questions 33-40 = NO LOST POINTS.

Points are totaled, then converted to scores on the 20-80 scale.

You answered correctly **33** of **52** verbal questions and earned **33** points.

14 of 15 easy questions

14 of 22 medium questions

5 of 15 hard questions

You omitted **11** question(s).

You answered incorrectly **8** question(s) and lost **2** point(s).

You answered correctly **26** of **40** math questions and earned **26** points.

10 of 10 easy questions

12 of 18 medium questions

4 of 12 hard questions

You omitted **8** question(s).

You answered incorrectly **6** question(s) and lost **1** point(s).

You answered correctly **22** of **39** writing skills questions and earned **22** points.

8 of 9 easy questions

11 of 22 medium questions

3 of 8 hard questions

You omitted **4** question(s).

You answered incorrectly **13** question(s) and lost **3** point(s).

PSAT NMSQT

National Merit Scholarship Corporation (NMSC) Programs

Selection Index

168

Percentile

77

compares your performance with college-bound juniors

The Selection Index is the sum of your verbal, math, and writing skills scores. NMSC uses the Selection Index as an initial screen of over 1.3 million students who enter its scholarship programs (see reverse).

Entry Requirements

Below is information you provided on your answer sheet.

Full-time high school student: YES

Year to complete high school and enroll full time in college: 2004

Years to be spent in grades 9-12: 4

U.S. citizenship: YES

Based on your responses, you do meet requirements to enter NMSC's 2004 programs. If you are among the 55,000 high scorers who qualify for program recognition, you will be notified next September.

Your Educational Plans

Grade Average B+

College Major Computer science

Career No Response

Information above is self-reported.

Description: Computer science majors learn how computers work and how to program computers to perform tasks and provide services. They study both hardware (the physical components of computer systems) and software (procedures for making computers work).

Associated Skills: Problem solving, logic, abstract reasoning, oral and written communication, working in groups.

Recommended High School Courses: English 4, algebra 1, geometry 1, trigonometry .5, biology 1, chemistry 1, physics 1, social studies 1, history 2, foreign language 1, music 1, visual arts 1, and computer science 1.

Other Majors to Consider: Computer engineering, Electrical engineering, Information sciences and systems, Mathematics, Philosophy, and Psychology.

Careers: A degree in computer science leads to many positions in industry, government, and small companies. Computer scientists are much needed in organizations devoted to education, business, science, or technology. Graduates can find jobs as programmers, computer designers, computer scientists, software and hardware developers, sales representatives, technical specialists.

Improve Your Skills

The skills listed are based on your individual performance on the test.

Follow the suggestions to improve in each area.

Understanding tone

How to improve: When reading, consider how an author's choice of words helps define his or her attitudes. Pay attention to the way in which tone conveys meaning in conversation and in the media.

See questions 17, 49.

Comparing and contrasting ideas presented in two passages

How to improve: Read editorials that take opposing views on an issue. Look for differences and similarities in tone, point of view, and main idea.

See questions 47, 48, 49.

Making inferences

How to improve: When you read nonfiction prose, try to determine the author's beliefs and assumptions.

See questions 50, 51, 52.

Using logical reasoning

How to improve: Break down the problem and monitor the steps as you go along, keeping in mind what the question is asking. It may help to look at the problem from different perspectives. Make adjustments in your solution strategy when things aren't going as well as they should. Problems in textbooks that ask you "Why?" often require this skill.

See questions 15, 19, 30.

Understanding the structure of sentences with unfamiliar vocabulary

How to improve: Read material that contains unfamiliar vocabulary. Look for context clues to help you guess at the meaning of unfamiliar words as you read.

See questions 8, 13, 16.

Understanding the structure of sentences with abstract ideas

How to improve: Read newspapers, magazines, and books that deal with subjects such as politics, economics, history, or philosophy.

See questions 7, 16, 17.



# EXHIBIT 4



Services for Students with Disabilities  
SAT® and PSAT/NMSQT® Programs  
PO Box 6226 • Princeton, NJ 08541-6226  
Voice: 609 771-7137 TTY: 609 882-4118  
Fax: 609 771-7944 E-mail: [ssd@info.collegeboard.org](mailto:ssd@info.collegeboard.org)

April 10, 2009

Brendan Berger  
27 Creekwood Square  
Cincinnati, OH 45246

Dear Brendan Berger:

You asked for confirmation that you were approved to take College Board Exams, which includes SAT, PSAT and AP, with accommodations.

This letter confirms that in January of 2004 you were approved to take College Board Exams with 50% Extended Time accommodations.

We can confirm only that you received non-standard administrations of College Board Exams in 2004.

We caution any reader of this letter that our confirmation of accommodations approved in the past does not mean an endorsement of the accommodations at the present time.

Sincerely,

Marcia Ricks, Senior Customer Service Representative





Services for Students with Disabilities  
PO Box 6226 · Princeton, NJ 08541-6226  
Voice: 609 771-7137 TTY: 609 882-4118  
Fax: 609 771-7944 E-mail: [ssd@info.collegeboard.org](mailto:ssd@info.collegeboard.org)

0002179156

ETS use only L

**BRENDAN J. BERGER**  
**120 EAST FOUNTAIN AVENUE**  
**CINCINNATI OH 45246**

**Date: November 11, 2003**  
**SSD Code: 0002179156**  
**School Code: 361033**  
**School Name: MOELLER HIGH**  
**SCHOOL**

**Dear BRENDAN,**

Listed below are your approved accommodations for College Board tests. Your school has been sent a copy of this letter. You may receive the accommodations for as long as you attend the same school and your school verifies at the end of each school year that you continue to be eligible. If your school does not confirm your continued eligibility, your accommodations will expire on August 31, 2004. If a correction or change is needed, ask your school to contact the SSD office.

See the reverse side of this letter for a description of College Board tests and registration information. Notify your school if you wish to register for the PSAT/NMSQT® and/or an AP® Exam. Note that the options for SAT® registration include the College Board's Web site effective September 4, 2003. Be sure to use your SSD Code, printed above, when registering for a College Board test. Contact the SSD office for SAT practice materials in nonstandard formats.

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### **PSAT/NMSQT®**

You are approved for up to 50% extended testing time.

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### **SAT® Program**

If you use an accommodation that has an asterisk \*, check with your school to find out when and where the test will be given. All other accommodations are provided at National Test Centers.

#### **SAT I : Reasoning Test**

You are approved for up to 50% extended testing time.

#### **SAT II : Subject Tests**

You are approved for up to 50% extended testing time on each exam.

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### **Advanced Placement Program® (AP®) Exams**

You are approved for up to 50% extended testing time.

## Description of College Board Tests

### PSAT/NMSQT® Program

**PSAT/NMSQT** consists of primarily multiple-choice reasoning questions in verbal, math, and writing skills, with a few free-response math questions. The test is given in October. In early September you should register with your school to take the test, so that your counselor knows that you intend to use your approved accommodations. Review the *PSAT/NMSQT Student Bulletin* to prepare.

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### SAT® Program

**SAT I: Reasoning Test** consists of primarily multiple-choice questions in verbal and math reasoning, with a few free-response math questions. Prepare by reviewing the free publication *Taking the SAT I: Reasoning Test*, available at your school. SAT QAS is available only for the May administration for students requiring school testing. If you are eligible for school testing and are interested in the QAS for October or January, contact the SSD office.

**SAT II: Subject Tests** are multiple-choice tests in many different subject areas. The Writing Test includes a 20-minute essay. If you are approved for school testing, your SAT Registration Form must include the names of the specific test(s) that you will take. Prepare by reviewing the free publication *Taking the SAT II: Subject Tests*, available at your school.

#### Registering for the SAT or Subject Tests

Be sure to use your SSD Student Eligibility Code, because without it you will be registered for a standard administration.

Register online at collegeboard.com using your SSD Code.

Register by mail by sending an SAT Registration Form. Provide your SSD Code by including either an Accommodation Request Form or a copy of your Student Eligibility Letter.

Reregister by phone, if you have already registered for an SAT Program test, by calling 609-771-7137. Tell the representative that you want to reregister with accommodations, and give your SSD Code. You can also use your SSD Code to reregister online or by mail.

### Advanced Placement Program®

**Advanced Placement Program (AP®) Exams** are two- to three-hour exams given in specific subject areas. Each exam includes two sections: multiple-choice and free-response. These exams are given in May. You must register with your school by March 29 to let them know if you intend to use your approved accommodations. Important: If you are approved for nonstandard-format exams, you should notify the school of the specific exams you intend to take as soon as possible before March 29 to ensure timely receipt of materials. For more information about AP exams, review the *Bulletin for AP Students and Parents*, available at your school.

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**Reminder:** Students are eligible to test with accommodations as long as they remain in the same school and the school verifies that the on-file documentation continues to meet eligibility requirements.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>BRENDAN BERGER,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Case No. 1:19cv00099</b>
	)	
<b>v.</b>	)	<b>Judge: Hon. Susan J. Dlott</b>
	)	<b>Magistrate Judge: Hon. Karen L.</b>
<b>NATIONAL BOARD OF MEDICAL</b>	)	<b>Litkovitz</b>
<b>EXAMINERS,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

Exhibits 5 – 8  
Filed Under Seal



# EXHIBIT 9



**Academic Excellence & Support Services**  
**Department of Student Services**  
**Division of Student Affairs and Services**  
University of Cincinnati  
210 University Pavilion  
PO Box 210213  
Cincinnati OH 45221-0213  
Phone (513) 556-3244

April 30, 2009

RE: Brendan Berger

To Whom It May Concern:

Brendan Berger has been a student enrolled within our Disability Services Office since September 2004. Medical information provided to our office allowed the student to receive accommodations specific to a documented disability. These accommodations included:

- **Extended Time: Double Time for Testing**
- **Proofreader**
- **Books in Digital/Audio Format**

These accommodations proved helpful to Brendan while enrolled at the University of Cincinnati. Therefore, I respectfully request a continuation of applicable accommodations as he continues his academic career.

If I may be of any further assistance, please feel free to contact me. I can be reached by calling (513) 556-6823 or e-mail: [michael.southern@uc.edu](mailto:michael.southern@uc.edu). Thank you.

Sincerely,

A handwritten signature in blue ink that reads 'Michael S. Southern'.

Michael S. Southern  
Accommodation Coordinator  
University of Cincinnati  
Academic Excellence and Support Services  
Disability Services Office

CC: Student  
File

# EXHIBIT 10





American University of the Caribbean  
School of Medicine

May 21, 2013

Greetings:

This letter is written to document that Brendan Berger has received testing accommodations for his entire time while attending the American University of the Caribbean School of Medicine, since he matriculated in May, 2011. Brendan received time and a half in a reduced distraction environment as his testing accommodation. He has utilized the accommodations on all examinations and quizzes. It is the opinion of this university that Brendan truly needed the accommodations, based on what was observed.

If I may answer any questions or provide any additional information, please do not hesitate to contact me.

Respectfully,

Jeff Jarosinski, PhD  
Assistant Dean of Student Affairs  
jjarosinski@aucmed.edu

**Medical Sciences Campus**

#1 University Drive at Jordan Road, Cupecoy, Dutch Lowlands, St. Maarten • Ph 1 721 545 2298 • Fx 1 721 545 2440

[www.aucmed.edu](http://www.aucmed.edu)

A part of DeVry Medical International, Inc.

# EXHIBIT 11



National Board of Medical Examiners  
3750 Market Street  
Philadelphia, PA 19104-3102

215-590-9500 phone  
www.nbme.org

**Confidential**

May 27, 2018

**Via E-mail to [brendanberger@gmail.com](mailto:brendanberger@gmail.com)**

Brendan James Berger  
27 Creekwood Square  
Cincinnati, OH 45246

RE: USMLE Step 2 CK

USMLE ID#: 0-893-419-2

Dear Mr. Berger:

We have thoroughly reviewed the documentation provided in support of your request for test accommodations for the United States Medical Licensing Examination (USMLE) Step 2 Clinical Knowledge (CK). We conducted an individualized review of your request in accordance with the guidelines set forth in the amended Americans with Disabilities Act (ADA).

You report the basis of your request for double testing time to be a disorder of reading and disorder of written expression diagnosed in 1992 and Attention-Deficit/Hyperactivity Disorder (ADHD) diagnosed in 1994. In your personal statement you write, *"...I have a severe impairment in my ability to read, process, and comprehend information. When I have additional time to complete tasks, I am able to demonstrate my knowledge. Previously, NBME denied my request for accommodations on the basis that I did not demonstrate that I had a substantial deficit in 'learning' compared to the average person. As the recent diagnosis from Dr. Beach shows, my disability causes a pattern of substantial impairment in reading and comprehension (learning) compared to the average person. A review of the attached supporting materials demonstrates my need for accommodations to level the playing field."*

In a July 2017 report of Psychological and Educational Re-Evaluation conducted when you were a 32 year old fourth year medical student, Cheryl M. Beach, Ph.D. writes that you were seen for re-evaluation in order to obtain an updated measure of your academic processing. Your evaluator writes, *"The history and current test scores and error patterns show the presence of several symptoms of difficulty learning and using academic skills...Diagnostic criteria are met for the Inattentive symptoms...The symptoms are sufficient to interfere with functioning to a significant degree, including educational and occupational goal attainment; he has systems to manage symptoms, when circumstances permit, and he exerts more psychological energy than the average adult to manage these symptoms internally."* Dr. Beach concludes, *"When test accommodations are available, he is successful, though he tends to earn scores that are lower than the ability he otherwise demonstrates; when accommodations are insufficient or not available, there is a consistent, lifelong pattern of inability to read, comprehend, and respond to test items, and earning failing grades for exams...there is clear evidence showing that the combined symptoms of a Specific Learning Disorder and AD/HD manifest in especially severe limitations to access with a substantial impact on learning and test-taking processing speed, AD/HD symptoms, including limitations in the ability to screen out*



*environmental distractions, detail accuracy, sustained focus, working memory, an information organization...A new recommendation is for recorded test material or a test reader, due to the inaccurate reading comprehension with even simple, lower-complexity text passages that are automatically read with accuracy by the average adult."*

Reports of evaluations conducted in 1994, 2003, and 2008, as well as your unaccommodated performances on the MCAT and PSAT, argue against the presence of learning disabilities and seem to directly contradict your evaluator's description of a *lifelong pattern of inability to read, comprehend, and respond to test items*. In stark contrast to your early evaluations and your unaccommodated PSAT and MCAT scores are the exceptionally low and declining scores produced on diagnostic evaluations conducted in 2010, 2013, and 2017; assessments conducted for the purpose of obtaining test accommodations on the MCAT and USMLE. For example, in 2010, you obtained a *Nelson-Denny Reading Test (NDRT)* timed reading comprehension score at the 1<sup>st</sup> percentile, lower than 99% of a national sample of college educated peers. However, on a high-stakes test taken under standard time conditions in 2010, your MCAT Verbal Reasoning, a measure of one's ability to read passages and answer multiple-choice questions about them under timed conditions, was in the Average to Above Average range, better than 67-83% of a national sample of medical school applicants.

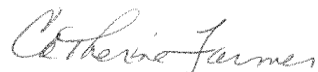
Your MCAT scores obtained without accommodations in 2009 and 2010 were better than 38-51% of a national sample of medical school applicants and consistent with your PSAT performances where your scores in reading, mathematics, and writing were in the average range or above compared to grade peers. Overall, these data do not demonstrate that standard testing time is a barrier to your access to the USMLE.

Accommodations are intended to provide access to the USMLE testing program for individuals with a documented disability as defined by the ADA. A diagnostic label, in and of itself, does not establish coverage under the ADA, nor does prior receipt of accommodations for a particular activity guarantee that identical accommodations are indicated or will be available in all future settings and circumstances. The ADA defines disability as a physical or mental impairment that substantially limits one or more major life activities as compared to most people in the general population.

Your documentation does not demonstrate a substantial limitation in a major life activity as compared to most people or that the requested accommodations are an appropriate modification of your USMLE Step 2 CK test administration. Therefore, after a thorough review of all of your documentation, I must inform you that we are unable to provide you with the requested accommodations.

We will request processing of your exam application without test accommodations. You may inquire at [permits@ecfmg.org](mailto:permits@ecfmg.org) or call Applicant Information Services at (215) 386-5900 with any questions about your scheduling permit.

Sincerely,



Catherine Farmer, Psy.D.  
Director, Disability Services  
ADA Compliance Officer, Testing Programs

C: Phyllis E. Brown, Esquire at [abrown@blfohio.com](mailto:abrown@blfohio.com)